



17 SEP 2003

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In re Application of  
WHITAKER  
U.S. Serial No.: 10/018,316  
PCT No.: PCT/SE00/01302  
Int. Filing Date: 19 June 2000  
Priority Date: 24 June 1999  
Atty Docket No.: 0091-0207P  
For: SHAPE CONFORMING SURFACE  
COVERING

DECISION ON RENEWED

PETITION UNDER

37 CFR 1.47(b)

This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.47(b)" filed 05 August 2003 in the United States Patent and Trademark Office (USPTO).

### **BACKGROUND**

On 05 June 2003, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(b) to accept the application without the signature of inventor Derek Whitaker. Applicant was afforded two months to file a compliant declaration under 37 CFR 1.497(a)-(b) and advised that the period for reply could be extended with a proper petition and payment of the extension of time fee.

On 05 August 2003, applicant responded with the present renewed petition accompanied by a newly executed combined declaration and power of attorney executed by Anders Wilhelmsen on behalf of the non-signing inventor Derek Whitaker and as Chairman of the corporate applicant, Flexiteek, International A/S.

### **DISCUSSION**

As detailed in the decision mailed 05 June 2003, a review of the previously filed combined declaration and power of attorney found that while the filing date for the international application is 19 June 2000, the international filing date was listed on the filed declaration as 18 December 2001. In addition, the declaration did not provide the citizenship of the non-signing inventor. A review of the presently filed combined declaration and power of attorney finds that both defects have been cured and the filed document is in compliance with 37 CFR 1.497(a)-(b).

As such, it is proper to grant applicant's renewed petition at this time.

**CONCLUSION**

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application will be given an international application filing date of 19 June 2000 and a date of **05 August 2003** under 35 U.S.C. 371.

This application is being returned to the DO/EO/US for processing in accordance with this decision, namely, the mailing of a NOTIFICATION OF ACCEPTANCE UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903).



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UNITED STATES PATENT AND TRADEMARK OFFICE

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Mr. Derek Gordon Whitaker  
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Dear Mr. Whitaker:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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